

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court on review of plaintiff's complaint under 28 U.S.C. § 1915(e). After reviewing the case, the Court finds that it must be summarily dismissed.

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. An action is legally frivolous if “it lacks an arguable basis in either law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 328 (1989).

In this action under 42 U.S.C. § 1983, plaintiff sues the Hon. Gloria Reno, St. Louis County Circuit Judge, and Steve Reynolds, an assistant public defender. Plaintiff says that Reynolds failed to have his charges dropped after he filed a 180-day writ and that Judge Reynolds did not dismiss the charges against him upon his demand. He seeks monetary relief.

The complaint is legally frivolous. “[A] public defender does not act under color of state law when performing a lawyer’s traditional functions as counsel to a defendant in a criminal proceeding.” *Polk County v. Dodson*, 454 U.S. 312, 325 (1981). And judges are “entitled to absolute immunity for all judicial actions that are not ‘taken in a complete absence of all

jurisdiction.”” *Penn v. United States*, 335 F.3d 786, 789 (8th Cir. 2003) (quoting *Mireles v. Waco*, 502 U.S. 9, 11-12 (1991)).

Moreover, federal district courts are courts of original jurisdiction; they lack subject matter jurisdiction to engage in appellate review of state court decisions. *Postma v. First Fed. Sav. & Loan*, 74 F.3d 160, 162 (8th Cir. 1996). “Review of state court decisions may be had only in the Supreme Court.” *Id.* Therefore, the Court does not have the authority to find fault with defendant Reno’s decisions.

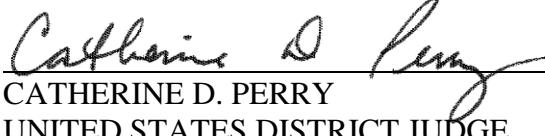
Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that plaintiff’s motion for extension of time to pay the initial partial filing fee [ECF No. 6] is **GRANTED**. Plaintiff must pay the filing fee no later than fourteen (14) days from the date of this Order.

An Order of Dismissal will be filed separately.

Dated this 1st day of March, 2016.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE